

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claims 30, 31, 33, 35, 40-44, 46, 48-50, 55 and 56 have been amended to clarify features of the invention recited therein in order to overcome the 35 U.S.C. § 101 and §112 rejections discussed below, and to further distinguish the present invention from the reference relied upon in the 35 U.S.C. § 102 rejection discussed below.

II. 35 U.S.C. §101 Rejection

Claims 30-51, 55 and 56 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claims 30-51, 55 and 56 were rejected for reciting terms such as “storing,” which could allegedly be interpreted as method steps. Claims 30-51, 55 and 56 have been amended as suggested by the Examiner (e.g., replacing “storing” with “that stores”). Therefore, because claims 30-51, 55 and 56 now recite patentable subject matter, withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 112, Second Paragraph Rejection

Claims 30-51, 55 and 56 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Specifically, the rejection states that it is not clear whether the “database making unit” and the “value-added information making unit” are hardware or software. Claims 30-51, 55, and 56 have been amended to clarify that the claimed “database making unit” and the “value-added information making unit” include hardware, specifically, a processor. Therefore, it is submitted that this rejection is clearly inapplicable to claims 30-51, 55 and 56, since the claims have been amended to clarify that the “database making unit” and the “value-added information making unit” required hardware. As a result, withdrawal of this rejection is respectfully requested.

IV. 35 U.S.C. § 102 Rejection

Claims 30-51, 55 and 56 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ito et al. (U.S. 2001/0031913). This rejection is believed to be inapplicable to amended independent claims 30, 44, 46, 48, 55 and 56 and the claims that depend therefrom for the following reasons.

Amended independent claim 30 recites that measurement instruments measure vital data of subjects. In addition, claim 30 recites that a server includes database making unit that makes a database associating each received set of information (including the measured vital data) related to the subjects with a respective subject and measurement time. Finally, claim 30 recites that the server includes a value-added information making unit that averages, on a per predetermined time segment basis, values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, and that makes value-added information

indicating changes over time of the averaged values of the vital data of the same kind. The Ito reference fails to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 30.

Rather, Ito merely teaches that health data, such as data measured from urine, is obtained from only at-home patients that are recipients of special health care, in order to be able to transmit the health data of the at-home patients to a health care center (see paragraphs [0139] and [0171]).

Thus, in view of the above, it is clear that Ito teaches obtaining health data only from at-home patients that are recipients of specialized health care, but fails to disclose or suggest a value-added information making unit that averages, on a per predetermined time segment basis, values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, and that makes value-added information indicating changes over time of the averaged values of the vital data of the same kind, as required by claim 30.

In other words, Ito teaches that only individuals that are signed up for a specialized medical service are able to have their health data monitored, but fails to disclose or suggest averaging values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, as required by claim 30.

Additionally, since Ito merely teaches that data is collected and analyzed for each person receiving specialized health care, the invention of Ito cannot average values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area to make value-

added information indicating changes over time of the average values of the vital data of the same kind, as required by claim 30.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 30 and claims 31-43 that depend therefrom are not anticipated by Ito.

Applicants also note that a result of the structure required by claim 30 is that the server is able to provide, as information related to people in a predetermined area at which vital data of subjects is obtained, value-added information indicating changes over time in the averaged values of the vital data of a same kind obtained from all of the subjects (e.g., a same person can be measured twice when their vital data is measured twice) after the vital data is measured using the measurement instruments in the predetermined area. Thus, it is possible to obtain value-added information indicating changes over time in the averaged values of the vital data of the same kind measured and obtained from the respective subjects in the predetermined area.

For example, assuming that the vital data of the same kind is body temperature of the respective subjects, it is possible to track changes over time of the averaged values of the subjects' body temperatures measured in the predetermined area on a predetermined time segment basis. This allows the ability to keep track of a tendency towards an increase in the number of people who are likely to have a fever due to an outbreak of a cold or the like from among the subjects in the predetermined area.

In light of the discussion above, Ito does not provide the above-mentioned benefits of the structure required by claim 30, because Ito merely teaches that health data is obtained from individuals who are receiving specialized health care and fails to disclose or suggest averaging.

on a per predetermined time segment basis, values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, and making value-added information indicating changes over time of the averaged values of the vital data of the same kind, as required by claim 30.

As acknowledged by the Examiner, independent claims 44, 46, 48, 55 and 56 recite limitations that are similar to the above-mentioned distinguishing limitations recited in claim 30. The distinguishing limitations of independent claims 44, 46, 48, 55 and 56 are highlighted below.

Amended independent claim 44 recites that the value-added information making unit (i) calculates differential values between the vital data included in the sets of information stored in the individual databases and previously-set standard values of the vital data, (ii) averages the calculated differential values obtained from each of the plurality of the subjects having vital data measured using said measurement instruments in a predetermined area in a predetermined time segment, and (iii) makes value-added information indicating changes over time of the average values of the differential values calculated in the predetermined area.

Amended independent claim 46 recites that the value-added information making unit (i) calculates, using a processor thereof, differential values between the vital data included in the sets of information stored in the individual subject databases and averages of the vital data obtained from the individual subjects in a past predetermined period, (ii) averages the calculated differential values obtained from each of the plurality of subjects having vital data measured using said measurement instruments in a predetermined area in a predetermined time segment,

and (iii) makes value-added information indicating changes over time of the averaged differential values calculated for the predetermined area.

Amended independent claim 48 recites a value-added information making unit that averages, using a processor thereof, on a per predetermined time segment basis, values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, and that makes value-added information indicating changes over time of the averaged values of the vital data of the same kind, the values of the vital data being measured using said measurement instruments and being stored in the database.

Amended independent claim 55 recites a storage unit that holds data comprising information specifying each predetermined time segment and an average value of vital data of a same kind of each of a plurality of subjects calculated for each predetermined time segment, the vital data being measured using said measurement instruments in a predetermined area.

Finally, amended independent claim 56 recites a value-added information making unit that averages, using a processor thereof, on a per predetermined time segment basis, values of the vital data of a same kind obtained from each of the plurality of subjects in a predetermined area, and that makes value-added information indicating changes over time of the averaged values of the vital data of the same kind, the values of the vital data being measured using said measurement instruments and being stored in the database.

In view of the above-described features of Ito it is clear that amended independent claims 44, 46, 48, 55 and 56 recite features which are neither disclosed nor suggested by Ito.

Accordingly, it is respectfully submitted that independent claims 44, 46, 48, 55 and 56 and claims 45, 47 and 49-51 that depend therefrom are not anticipated by Ito.

V. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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